

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

GARY DUTTON, individually and on behalf of  
all others similarly situated,

Plaintiff,

vs.

D&K HEALTHCARE RESOURCES, et al.,

Defendants.

Case No. 4:04-CV-00147-SNL

**ORDER**

The Court, having considered the Stipulation and [Proposed] Order Amending the Stipulation of Settlement for good cause shown, hereby ORDERS that lead plaintiff and defendants (D&K, J. Hord Armstrong III, Martin D. Wilson and Thomas S. Hilton) are permitted to amend the Stipulation of Settlement as follows:

(i) paragraph 1.22 of the February 23, 2007, Stipulation of Settlement is amended, with changes marked in bold, to read as follows:

“Related Parties” means each of a Defendant’s, **Bristol-Myers Squibb Company’s** and McKesson Corporation’s, **their own**, past or present directors, officers, employees, insurers, agents, consultants, stockholders, co-insurers, reinsurers, attorneys, banks or investment banks, advisors, personal or legal representatives, predecessors, successors, parents, subsidiaries, divisions, assigns, spouses, heirs, related or affiliated entities,

any entity in which a Defendant or **Bristol-Myers Squibb Company** has a controlling interest, any member of an Individual Defendant's immediate family, or any trust in which any Defendant or **Bristol-Myers Squibb Company** is the settlor or which is for the benefit of any Individual Defendant and/or member(s) of his family.

(ii) the definition of "Released Persons" set forth in paragraph 1.24 of the February 23, 2007, Stipulation of Settlement is amended by inserting ", Bristol-Myers Squibb Company" after "Defendants";

(iii) paragraph 24 of the Notice of Pendency and Proposed Settlement of Class Action (Exhibit A-1 to the Preliminary Approval Order) is amended by inserting "as amended by the Stipulation and Order entered April 4, 2007" at the end of the first sentence and inserting "as amended by the Stipulation and Order entered April 4, 2007" after "Settlement" in the second sentence;

(iv) the definition of "Released Persons" set forth in paragraph II.5. of the Proof of Claim and Release (Exhibit A-2 to the Preliminary Approval Order) is amended by inserting ", Bristol-Myers Squibb Company" after "Defendants";

(v) paragraph VI.1. of the Proof of Claim and Release (Exhibit A-2 to the Preliminary Approval Order) is amended, with changes marked in bold, to read as follows:

1. I(We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, release and discharge from the Released Claims each and all of the Defendants, **Bristol-Myers Squibb Company** and each of their "Related Parties," defined as each of a

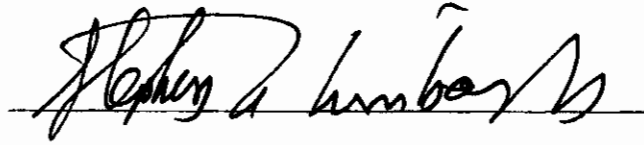
Defendant's, **Bristol-Myers Squibb Company's** and McKesson Corporation's, **their own**, past or present directors, officers, employees, insurers, agents, consultants, stockholders, co-insurers, reinsurers, attorneys, banks or investment banks, advisors, personal or legal representatives, predecessors, successors, parents, subsidiaries, divisions, assigns, spouses, heirs, related or affiliated entities, any entity in which a Defendant or **Bristol-Myers Squibb Company** has a controlling interest, any member of an Individual Defendant's immediate family, or any trust of which any Defendant or **Bristol-Myers Squibb Company** is the settlor or which is for the benefit of any Individual Defendant and/or member(s) of his family.

(vi) paragraph VI.4. of the Proof of Claim and Release (Exhibit A-2 to the Preliminary Approval Order) is amended by inserting “, dated February 23, 2007, as amended by the Stipulation and Order entered April 4, 2007 (“Stipulation”)” after “Stipulation of Settlement”;

(vii) the preamble to the [Proposed] Final Judgment and Order of Dismissal with Prejudice (Exhibit B to the February 23, 2007, Stipulation of Settlement) is amended by inserting “as amended by the Stipulation and Order entered April 4, 2007” after “February 23, 2007”.

IT IS SO ORDERED.

DATED: 4/4/07

A handwritten signature in black ink, appearing to read "Stephen N. Limbaugh", is written over a horizontal line.

THE HONORABLE STEPHEN N. LIMBAUGH  
UNITED STATES DISTRICT JUDGE